

Missouri Department of Natural Resources
Regulatory Impact Report
For
Proposed Amendment to 10 CSR 80-9.030

Division / Program: Environmental Quality / Solid Waste Management

Rule number: 10 CSR 80-9.030 **Rule title:** Waste Tire Grants

Type of rule: Amendment

Nature of the rule: Prescribes environmental standards
Reflects revised statutory language in Senate Bill No. 225

Submitted by: _____ Date: _____

Jim Hull, Solid Waste Management Program Director

Review and approval of the Final Regulatory Impact Report

Legal Counsel: _____ Date: _____

Division Director: _____ Date: _____

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1. Does the rulemaking adopt rules from the US Environmental Protection Agency or rules from other applicable federal agencies without variance?

No. This rulemaking stems solely from the authorizations in state law.

2. A report on the peer-reviewed scientific data used to commence the rulemaking process.

This rulemaking does not require review of peer reviewed scientific data because the purpose of the rulemaking is to provide compliance with Section 260.200, 260.270 – 260.278 which mandates the use of the term “scrap” instead of “waste” in application to scrap tires. It also corrects some grammatical errors and allows for up to a 50% match that can be required for scrap tire grants. No environmental standards are proposed or modified.

3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

Schools and recreational facilities are eligible to apply for grants to utilize scrap tire materials for use as running tracks or shock absorbing playground material. Children will directly benefit because the shock absorbing playground material has been shown to reduce the number and severity of injuries suffered from falls.

4. A description of the environmental and economic costs and benefits of the proposed rule.

This rulemaking does not propose or modify any environmental standards. However, an environmental benefit of this rulemaking is an increase in the market for scrap tire materials. Requiring a percentage of match funds will increase the number of entities that receive a grant to use scrap tire materials and increase the quantities of scrap tire materials utilized.

5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

The Solid Waste Management Program does not expect this agency or any other public agency will incur additional costs to implement and enforce this proposed rulemaking. The proposed rulemaking will have no effect on State revenue.

6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

This proposed rule amendment addresses industry concerns about provisions in the current rule and is expected to increase costs to grantees while simultaneously increasing the market for scrap tire materials. The increase in use of scrap tire materials will yield an environmental benefit from a waste product otherwise requiring disposal. Failure to address requested changes by industry will result in continued concern and less use of the scrap tire material increasing the percent of scrap tire material that is required to be disposed of.

7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

This rulemaking is for a voluntary grant application process. The only change to the existing rule is to require match funds of up to 50% of the grant amount. The decision to purchase scrap tire materials is made by the entity or individual. Currently, this regulation is the only statewide scrap tire material grant option available.

8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

This rulemaking is the only scrap tire material grant option available. The only change to the existing rule is to require up to 50% match funds. The proposed rule allows the Department flexibility on requiring any percentage of match funds up to 50%. The stakeholders group rejected requiring a higher match fund percentage. Requiring matching funds allows the department to award more grants, increasing environmental benefits and expanding economic opportunities by increasing the usage of scrap tire materials.

9. An analysis of both short-term and long-term consequences of the proposed rule.

In both the long and short term, the proposed rule will ensure more awards are available for disbursement and will increase the market for scrap tire materials. This will provide for more scrap tire material on playgrounds and recreation areas, aiding in safety and reducing the need for disposal of the scrap tire material resource.

10. An explanation of the risks of human health, public welfare or the environment addressed by the proposed rule.

There are no risks to human health, public welfare or the environment from this proposed rule. The proposed rule will improve playground safety by increasing grant opportunities. As a secondary affect, this rulemaking will increase the marketability of the scrap tire material resource.

11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information.

Not applicable. Peer reviewed scientific data is not available for the administrative and grammatical changes made in this rulemaking.

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

Not applicable. No change to environmental standards are proposed in this rulemaking.

13. A description of any significant countervailing risks that may be caused by the proposed rule.

None known. No environmental standards are proposed or modified with this rulemaking.

14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

There are no known alternatives.

15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

Formal comments can be provided on either the Regulatory Impact Report or the draft rule text by sending them to the contact listed below.

Questions and/or comments may be sent to:

Chris Nagel
Compliance and Enforcement Section Chief
Missouri Department of Natural Resources
Solid Waste Management Program
P.O. Box 176
Jefferson City, MO 65102-0176

Or

Call: (573) 751-5401

16. Provide information on how to request a copy of comments or the web information where the comments will be located.

Copies of formal comments made either on the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed above, or by accessing the Rules in Development section on the website www.dnr.mo.gov/env/swmp/rulesdev.htm for this particular rulemaking.